



Court Forum I & II

2019 EOIR Immigration Judge Training Program

June 19-20, 2019



Court Forum Overview



Overview – Court Forum I

Introduction - Court Forum I – Interactive Discussion

- Preparing for Master Calendar
- Preparing for Individual Merits Cases
- Credible/ Reasonable Fear – helpful tips
- Use of checklists and ticklers
- Avoiding common mistakes – best practices
- Interacting with your Legal Assistant
- Adjournment Codes





Overview – Court Forum II

Introduction - Court Forum II – Interactive Discussion

- Bond hearings – best practices
- Changes of Venue
- Managing difficult attorneys in the courtroom
- Effective use of judicial law clerks
- Handling evidentiary issues – electronic media
- Addressing media in the courtroom
- Work/ Life Balance – Taking care of yourself





Court Forum I



Preparing for Master Calendar

- **Review of cases prior to master**
- **Review what transpired at previous hearing(s), if reset**
- **Mark important documents/ leave helpful notes for following judge**
- **Short list for any issues to be addressed (e.g., amendments of NTA, I-261 needed)**
- **Discussion**



Preparing for Individual Merits Cases

- Removability determined/ all issues regarding removability resolved
- Applications filed
- Review and mark all documents
- Review notes and DAR / leave helpful notes
- Discussion



Credible/ Reasonable Fear – helpful tips

- Credible Fear
- Reasonable Fear - differences
- Attorney present – how to address
- Preparing Order – what to include
- Discussion



Use of checklists and ticklers

- Checklist at master calendar
- Checklist for merits hearing
- Beginning of hearing checklist; exhibit list
- Checklist for various forms of relief (e.g., AOS, VD)
- Tickler for when filings/ call-ups are due, meeting of case performance measures
- Worksheets for asylum cases/ decisions
- Discussion points





Avoiding common mistakes – best practices

- ✓ Be prepared
- ✓ Talk with ACIJ or fellow judges to ascertain how to handle certain situations - examples
- ✓ Review decisions and orders before issued – no typos
- ✓ Follow checklists to ensure do not forget any important steps
- ✓ Keep templates up-to-date/ recent caselaw
- ✓ Take a break
- ✓ Other helpful tips



Interacting with your Legal Assistant

- Clear communication is key
- Create processes from the outset (e.g. – outbox/ inbox)
- Communicate dates of leave and other absences – email is best
- Understand LA may be handling other judges' dockets
- Other best practices



Adjournment Codes

- State the reason for adjournment at hearing
- Judge has responsibility to give code to LA
- Unusual situations in past situations - what types of codes to use



Court Forum II



Part II: COURT FORUM – TOPICS TO DISCUSS

- ❖ ***Bond hearings – best practices***
- ❖ ***Changes of Venue***
- ❖ ***Managing difficult attorneys in the courtroom***
- ❖ ***Effective use of judicial law clerks***
- ❖ ***Handling evidentiary issues – electronic media***
- ❖ ***Addressing media in the courtroom***
- ❖ ***Work/ Life Balance – Taking care of yourself***





Bond hearings – best practices

- Is the case ready for a bond hearing?
- Attorney / Pro se (?)
- Consider all filings/ review all submitted evidence
- Overview of witnesses being presented – what is needed?
- Added conditions
- Preparing timely bond decisions – what to include
- Other practices



Changes of Venue (COV)

- When COV is warranted
- Matter of Rahman, 20 I.&N. 480 (BIA 1992)
- Forum Shopping issues
- If testimony has already started ...
- Issues when released from custody
- Issuing order to proper court location
- Other issues





Managing difficult attorneys in the courtroom

- Courtroom control
- Establish expectations
- Maintain professionalism
- Ensure all discussions on DAR
- Consider reporting to Disciplinary Counsel
- Inform ACIJ



Effective use of judicial law clerks

- ✓ Memoranda on complex or novel issues
- ✓ Ask if similar issues have been raised by other IJs
- ✓ Email/ Instant message from bench
- ✓ Share information both within court and inter-court
- ✓ If writing on complex case, include JLC in court hearing
- ✓ Discussion points



Handling evidentiary issues – electronic media

- Video / DVD – should have written transcript
- Transcript needed for reference or appeal
- Consider whether showing video in courtroom-is it necessary? Equipment?
- Possible objections
- Other experiences



Addressing media in the courtroom

- Ascertain if any media in the courtroom
- Ensure no cameras or recording equipment
- Sketch artist allowed
- Refrain from any discussion about the case off the record
- Inform local Public Information Officer, ACIJ, CA
- Discussion: How others have handled





Work/ Life Balance – Taking care of yourself

- Take breaks during the day – hydrate, walk, stretch
- Set time limits for yourself
- Take a vacation
- Follow exercise regimen
- Employee Assistance Program (EAP)



Conclusion/ Thank you!